

## Message Text

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47

ACTION EUR-25

INFO OCT-01 ISO-00 IO-14 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 ACDA-19 CAB-09 COME-00 DOTE-00 EB-11 FAA-00

DRC-01 /154 W

----- 100323

R 121450Z JUL 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 3763

INFO USMISSION BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMCONSUL MONTREAL

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 11056

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, UB, UR, UK

SUBJECT: BERLIN DECLARATION IN CONVENTION ON UNLAWFUL  
SEIZURE OF AIRCRAFT

SUMMARY. AT JULY 10 BONN GROUP MEETING, THE FONOFF  
REP (LUECKING) OUTLINED COURSE THE FRG WILL FOLLOW  
REGARDING BERLIN UPON DEPOSIT OF ITS ADHERENCE TO THE  
CONVENTION ON UNLAWFUL SEIZURE OF AIRCRAFT OF DECEMBER  
16, 1970. THE SOVIET UNION IS CO-DEPOSITORY (WITH THE  
US AND UK), AND GERMANS HAVE DEVISED A SPECIAL PROCESS  
FOR DEALING WITH BERLIN IN MOSCOW. END SUMMARY

1. LUECKING SAID THAT IN THE NORMAL COURSE OF EVENTS,  
THE FRG WOULD SIMPLY DEPOSIT ITS INSTRUMENTS OF RATI-  
FICATION -- ALSO COVERING BERLIN -- IN LONDON,  
WASHINGTON, AND MOSCOW. A SEPARATE BERLIN DECLARATION  
(HE GAVE US A TEXT, WHICH WE ARE TRANSMITTING BELOW),  
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CONSISTENT WITH TERMS OF BKL)73(28) OF AUGUST 16,

L973, WOULD BE MADE. PROVIDED THE ALLIES SAW NO DIFFICULTIES WITH THE FORMULA OR THE PROCEDURE -- NONE WERE RAISED AT JULY 10 MEETING -- LUECKING SAID FRG PLANNED TO PROCEED IN THIS WAY IN LONDON AND WASHINGTON.

2. HOWEVER, THE GERMANS EXPECT DIFFICULTIES IN MOSCOW. THE FRG EMBASSY THERE HAS BEEN INSTRUCTED TO APPROACH THE RUSSIANS TO SEE IF THEY WOULD ACCEPT THE PROCEDURE OUTLINED ABOVE INCLUDING THE TEXT OF THE BERLIN DECLARATION. GERMAN EMBASSIES IN MOSCOW ARE TO TELL THE SOVIETS THE CONTENT OF THE DECLARATION IS NOT NEGOTIABLE, THAT THE GERMANS VIEW THIS CASE AS A TEST FOR RATIFICATION OF OTHER MULTILATERAL/MULTI-DEPOSITORY TREATIES AND COVENANTS IN THE FUTURE, AND THAT IF THE SOVIETS COULD NOT AGREE TO THE BERLIN DECLARATION THE FRG WOULD ONLY DEPOSIT ITS INSTRUMENTS OF RATIFICATION IN LONDON AND WASHINGTON.

3. LUECKING ASKED THAT THIS INFORMATION BE REPORTED TO ALLIED EMBASSIES IN MOSCOW TO HELP AGAINST THE POSSIBILITY OF SOVIET PROTESTS THERE.

4. THERE FOLLOWS THE TEXT OF THE FRG'S INTENDED BERLIN DECLARATION ON DEPOSIT OF ITS RATIFICATION INSTRUMENTS.

BEGIN TEXT

I HAVE THE HONOR, IN THE NAME OF THE FRG, IN CONNECTION WITH THE INSTRUMENTS OF RATIFICATION OF THE FRG TO THE CONVENTION OF 16 DECEMBER 1970 ON COMBATING UNLAWFUL SEIZURE OF AIRCRAFT, TO DECLARE THAT WITH THE FOLLOWING CONDITIONED THE CONVENTION ALSO APPLIES TO BERLIN (WEST) FROM THE DAY IT ENTERS INTO FORCE FOR THE FRG.

-- THE RIGHTS AND RESPONSIBILITIES IN THE AREA OF CIVIL AVIATION OF THE POWERS RESPONSIBLE FOR BERLIN REMAIN UNAFFECTED.

-- IN ACCORDANCE WITH ARTICLE 8 OF THE CONVENTION, THE COMPETENT CITY COMMANDANTS RETAIN THE RIGHT TO DECIDE IN EACH CASE IF THEIR OWN CITIZENS MAY BE EXTRADITED.

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-- THE ALLIED KOMMANDATURA RETAIN THE RIGHT TO DECIDE WHICH AUTHORITIES WILL BE RESPONSIBLE UNDER ARTICLE 11 OF THE CONVENTION FOR THE TRANSMITTAL OF ASSERTIONS AND ALLEGATIONS CONCERNING AIR PIRATES AND, IN CONNECTION THEREWITH, MEASURES WHICH WERE TAKEN, TO ICAO.

-- ALLIED KOMMANDATURA LAW NUMBER 7 AND THE RELATED LEGISLATION ARE PART OF THE LAW APPLICABLE

IN BERLIN FOR THE PURPOSES OF ARTICLE 7 OF THE  
CONVENTION.  
(FORMAL CLOSE)  
END TEXT  
CASH

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